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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,359

12/30/2003

Ioan Sauciuc

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7590

12/02/2008

INTEL/BSTZ

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EXAMINER

WEINSTEIN, LEONARD J

ART UNIT

PAPER NUMBER

3746

MAIL DATE

DELIVERY MODE

12/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/749,359	Applicant(s) SAUCIUC ET AL.	
	Examiner LEONARD J. WEINSTEIN	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,9-12 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-5,8 and 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,9-12 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/29/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25, 2008 has been entered.

Claim Objections

2. Claim 12 objected to because of the following informalities: limitations include "a heat source" which as best understood by the examiner is a reference to the "heat source" introduced in claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6, 7, 10-12, 25, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodson et al. US 2003/0062149 A1. Goodson teaches all the limitations as claimed for a method including the steps of: **[claim 6] (a)** orienting a pump

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or a compressor 300 without regard to a gravitational location (§ 0176) of a heat source coupled to the pump or compressor 300, **(b)** determining a presence of a threshold amount of a fluid that is within the pump or the compressor 300 (§0173), **(c)** condensing vapor of the fluid as it is present in the pump 300 or evaporating liquid of the fluid as it is present in the compressor 300 (§0173); **[claim 7]** the step of checking a sensor coupled to the pump or compressor 300 (§0177); **[claim 10] (d)** the step of repeating **(b)** and **(c)** until there no longer a threshold amount of the fluid in the pump or compressor 300 (§0177); **[claim 11] (e)** after **(d)** applying power to the pump or compressor 300 (§0177); **[claim 12] (f)** applying power to a heat source 50 coupled to the pump or compressor 300; **[claim 25]** powering on the pump 300 after condensing, or powering on the compressor 300 after evaporating (§0173); **[claim 27]** the step of the method wherein fluid is within the pump and the pump is a liquid pump to force liquid through a system 100 (§0186); **[claim 28]** and the step wherein the fluid is within the compressor 300 and the compressor 300 is a vapor compressor to force vapor through a system 100 (§0173).

5. Claims 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Eastman US 4,547,130. Eastman teaches all the limitations as claimed for a method including the steps of: **[claim 6] (a)** orienting a pump 14 or a compressor without regard to a gravitational location (abstract) of a heat source 40 coupled to the pump or compressor 14, **(b)** determining a presence of a threshold amount of a fluid that is within the pump or the compressor 14, **(c)** condensing vapor of the fluid as it is present in the pump 14 or evaporating liquid of the fluid as it is present in the compressor (abstract);

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[claim 9] cooling vapor within a liquid pump 14 to a condensation point by a thermoelectric cooler (col. 3 ll. 36-39).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eastman US 4,547,130 in view of Sauciuc et al. US 2003/0205364. Eastman teaches all the limitations as claimed for method as discussed but fails to teach the limitations taught by Sauciuc for method including the step of checking a sensor 24 (¶0027) coupled to the pump/compressor 10 wherein condensing comprises cooling vapor within a liquid pump to a condensation point (¶ 0028) and further comprising turning off the sensor 24 (¶ 0027) and a heat source 34, then turning on the pump 10 (0029) It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method wherein a thermoelectric cooler was used, as taught by Eastman, to include the step of using a sensor, as taught by Sauciuc, in order to continuously in order to dissipate heat from an electronic device (Sauciuc ¶ 002).

Response to Arguments

8. Applicant's arguments with respect to claims 6, 7, 9-12, and 25-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746